

REMARKS

By this Amendment, the Specification has been amended at page 9, Claims 1, 5, 7, 8 and 9 have been amended, Claim 6 has been deleted, without prejudice, and new Claims 25-34 have been added, to place this application in immediate condition for allowance.

In order to clarify that which is disclosed in the original disclosure with respect to the embodiment of Figure 14, the specification at page 9, beginning at line 24, has been amended to describe in more detail the shape of the front surface of the diffuser 70 as clearly depicted in Figure 14.

In the outstanding Office Action, the Examiner indicated the allowability of Claims 9-12 and 17 were they to be rewritten in independent form. As previously presented, dependent Claim 9 was dependent from Claim 8 which was dependent from Claim 1. From review of Claims 1, 8 and 9, it appears that the patentable subject matter comprises openings of differing sizes extending from the front surface of the diffuser body through the body to the rear surface. Accordingly, independent Claim 1 has been amended to specify that the permitting means comprises "a plurality of openings including a first opening and a second smaller opening." Since the combination of elements in Claim 1 including the newly added limitation is nowhere taught or suggested in the prior art, it is submitted that independent Claim 1 is now in condition for allowance. Claims 2-5, 7-12, 14-15 and 17-19 all depend from

independent Claim 1. Accordingly, for the same reason, those claims are also believed allowable.

New independent Claim 25 recites that the means permitting others of said sound waves to travel from the front surface to the rear surface comprises "a plurality of generally rectangular holes." Support for this limitation is clearly found in Figure 3 and in the specification as originally filed on page 7, beginning at line 17. The prior art fails to teach or suggest the combination of elements recited in new Claim 25 including the newly recited shape of the holes comprising the permitting means. Accordingly, Claim 25 is believed patentable.

Claims 27-29 depend from independent Claim 25 and are believed patentable for the same reasons. Independent Claim 30 recites the method of making an acoustical device where the perforations comprise "generally rectangular holes." It is submitted that for the same reasons set forth above with regard to Claim 25, Claim 30 is patentable. As such, it is requested that Claim 30 be allowed.

Independent Claim 31, newly presented herein, describes in more detail the shape of the front surface previously recited in dependent Claim 6. Dependent Claim 6 recited that the front surface comprised "a compound curved shape." Concerning this limitation, throughout the prosecution of this patent application,

the Examiner has applied U.S. Patent No. 6,015,026 to McGrath and has made reference to the surface 12 shown in Figure 1 thereof. With reference to Figure 1, it is clear that the curvature of the surface 12 of McGrath only includes curvature in one direction, in essence, a two dimensional sine wave. By contrast, as is clearly shown in Figure 14 of the present application, the curvature of the front surface of that embodiment includes curvatures extending in diverse directions. This specific shape is reflected in independent Claim 31 as now presented. As such, any combination of references including reliance upon McGrath for an alleged teaching of the curvature would fall far short of meeting the terms of independent Claim 31. Thus, it is submitted that Claim 31 patentably distinguishes from all prior art of record. Claims 32 and 33 depend from Claim 31 and are patentable for the same reasons. New independent Claim 34 recites the method of making an acoustical device wherein the front surface thereof has the same compound curvature as recited in independent Claim 31. As such, the prior art of record including McGrath fails to teach or suggest the limitations of independent Claim 34. As such, independent Claim 34 is believed patentable.

An early Office Action on the merits of the newly presented claims is respectfully solicited.

Respectfully submitted,

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A handwritten signature in cursive script, reading "H. Jay Spiegel", written over a horizontal line.

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